

CONFERENCE OF LEADERS OF RELIGIOUS INSTITUTES IN NEW SOUTH WALES

CLRI (NSW)

ABN 52 476 362 010
Member of Catholic Church Religious Group

**Submission to the
China Free Trade Agreement Task Force
from
Social Justice Committee
Conference of Leaders of Religious Institutes
(NSW)**

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Introduction

CLRI (NSW) represents 3,500 women and men religious, and promotes the life, mission and concerns of religious congregations in the Church and in our society.

CLRI (NSW) does this by:

- Articulating our spirituality and commitment as members of religious congregations;
- Raising our corporate voice to challenge the structures of injustice in our state, our country and our world; and
- Establishing committees, working groups and task forces to maximise the potential of the Conference to bring about change, especially structural change, in the area of social justice.

As one of these established committees, the Social Justice Committee is a means through which CLRI (NSW) can act effectively with respect to issues of social justice. The functions of the CLRI Committee are to investigate, initiate action and prepare papers on social justice issues.

CLRI has established a Trade Justice sub-committee due to its increasing interest in the social justice implications of trade.

CLRI supports and endorses the submission made to the Task Force by the Australian Fair Trade and Investment Network (AFTINET).

Principles

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CLRI (NSW) believes that the following principles should underpin trading relations, and should guide Australia's approach to any trade agreement with China:

- Trade agreements should be in accordance with human rights, labour rights and environmental protection standards, based on United Nations and International Labour Organisation instruments.
- Trade agreements should not undermine the ability of governments to regulate in the public interest.
- Australia's trade negotiations with developing countries should be consistent with Australia's development goals and trade agreements should allow developing countries the flexibility to make laws and policies that allow them to direct their own development.
- Trade negotiations should be undertaken through open, democratic and transparent processes that allow effective public consultation to take place about whether negotiations should proceed and the content of negotiations.
- Before a decision is made to begin negotiations, comprehensive studies of the likely impacts of the Agreement should be undertaken and made public for debate and consultation. The issues studied should include the impacts on: human rights and labour conditions; employment; the environment; particular demographic groups, particular regions and particular industries; the ability of governments to regulate in the public interest; and the ability of developing countries to direct their own development.

CLRI (NSW) is concerned that the Australian Government has not adequately addressed these principles to date.

Recommendations

CLRI (NSW) recommends that the Government cease negotiations of a preferential trade agreement with China, so long as there are abuses of human rights, labour rights and environmental standards in China. In the case that negotiations continue, CLRI (NSW) recommends the following:

- The Government should produce a broad public issues paper, which gives an assessment of the issues raised in AFTINET's submission and indicates how the Government will take them into account during negotiations. This paper should include an analysis of the current state of compliance by China with human rights, labour rights and environmental standards.
- The Government should set out the principles and objectives that will guide Australia's consultation processes for the China FTA, and should have regular consultations with unions, community organisations and regional and demographic groups that may be adversely affected by the Agreement.

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- The Government should establish a Parliamentary review process that gives Parliament the responsibility for monitoring the negotiations. Parliament should vote on the China FTA as a whole, not only the implementing legislation.
- The Government should ensure that negotiations are consistent with Australia's development goals.
- The China FTA should not seek to limit the capacity of governments to regulate foreign investment to achieve social policy.
- Essential services should be clearly exempted from the China FTA and, if services are included, the China FTA should employ a positive list (rather than a negative list) to denote the services to be included in the China FTA.
- The China FTA should not contain intellectual property commitments that are more onerous than existing WTO commitments.
- The China FTA should contain specific provisions protecting human rights, labour rights and environmental standards in Australia and China.
- The China FTA should not contain an investor-state dispute process.